# STATE OF ARIZONA FILED

#### STATE OF ARIZONA

ΔPR | 1996

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE

In the Matter of a Request for Release of Deposit by	) Docket No. 96A-048
Lincoln National Reassurance Company NAIC NO. 97039 Petitioner.	ORDER AUTHORIZING RELEASE OF DEPOSIT ) )

A.R.S. §20-588 provides that deposited funds shall not be released except upon application to and written Order of the Director of Insurance.

### FINDINGS OF FACT

- 1. Lincoln National Reassurance Company (the "Petitioner"), an Indiana life and disability insurer, as a result of its merger with Lincoln National Life Reinsurance Company (LNLRC) approved by the Director on November 16, 1995, currently has \$250,000 on deposit with the Arizona State Treasurer.
- 2. LNLRC originally made the deposit as a security deposit for the protection of all Arizona policyholders.
- 3. Petitioner has provided certification from the State of Indiana Department of Insurance that, as of December 31, 1995, it holds \$3,770,000 par value securities in trust for the benefit and security of all policyholders of Petitioner.
- 4. The Indiana Department of Insurance certificate satisfies the trust deposit requirement prescribed in A.R.S. §20-213.

3

5

- 5. The security deposit made by LNLRC is no longer required for the protection of the Arizona policyholders of Petitioner.
- 6. Petitioner has filed an application dated
  December 27, 1995 for release of the \$250,000 security deposit
  pursuant to A.R.S. §20-588(B).

## CONCLUSIONS OF LAW

- 1. The Director has no personal liability for the release of such deposit so made by him in good faith as provided in A.R.S.  $\S 20-588(B)$ .
- 2. Petitioner is entitled to the release of its deposit pursuant to A.R.S. §20-588.

#### ORDER

THEREFORE IT IS ORDERED that the \$250,000 trust deposit shall be released to Petitioner upon receipt by the Department of a fully executed Form E126 Notice of Statutory Deposit Release.

DATED this /5+ day of April, 1996.

CHRIS HERSTAM

Director of Insurance

i Destam

COPY of the foregoing mailed/delivered this lst day of April, 1996, to:

Charles R. Cohen, Deputy Director
Gregory Y. Harris, Executive Assistant Director
Gary Torticill, Assistant Director
Kelly Stephens, Deputy Assistant Director
Cary Cook, Solvency Support Unit Supervisor
Department of Insurance
2910 N. 44th Street, Suita 210
Phoenix, Arizona 85018

1	
2	
3	
4	
2 3 4 5 6	(
6	
7	
7 8	
9	
10	
11	
12	
11 12 13 14 15	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

William K. Tyler, Senior Vice President and Assistant Treasurer Lincoln National Reassurance Company P.O. Box 7808
One Reinsurance Place Fort Wayne, IN 46801-7808

Curvey Burton